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Chairman: Mr. Ashiki (Vice-Chairman) ..... (Japan)

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In the absence of Mr. Wolfe (Jamaica), Mr Ashiki (Japan), Vice-Chairman, took the Chair.

The meeting was called to order at 10.15 a.m.

Agenda item 70: Promotion and protection of human rights (*continued*) (A/62/36, 369 and 464)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/62/183, 207, 212, 214, 218, 222, 225, 227, 254, 255, 265, 280, 286-289, 293, 298, 304 and 317; A/C.3/62/3)

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/62/213, 223, 263, 264, 275, 313, 318, 354 and 498; A/C.3/62/4)

(e) Convention on the Rights of Persons with Disabilities (*continued*) (A/62/230)

1. **Ms. Nassau** (Australia), speaking also on behalf of Canada and New Zealand, said that those three countries considered that protecting and promoting human rights was a key priority for the United Nations, one which was too important a matter for symbolic gestures alone. Only through concrete efforts and ongoing support for reform could real commitment be shown. They remained firmly committed to improving the efficiency and effectiveness of the international treaty body system, which, if it worked constructively with States and was viewed as credible and independent, could have a direct impact on human rights protection.

2. They commended the innovate practices that treaty bodies had put in place, such as the use of parallel chambers to clear a backlog of reports for consideration and distribution of lists of issues to States parties as early as possible in the reporting process. Australia, Canada and New Zealand were reporting to treaty bodies in accordance with the harmonized guidelines for reporting, which should reduce duplication of information and provide a uniform framework within which each treaty body could work. The guidelines were a work in progress, and further enhancements might be required.

3. It was important for treaty bodies to give consistent guidance to States and to handle issues involving multiple forms of discrimination in an integrated way, thereby reinforcing the indivisible and interrelated nature of human rights standards. It was also important not to lose focus on the larger question of reform of the treaty body system as a whole, including the concept of a single, uniform treaty body.

4. For the treaty body system to have a sustained and systematic impact on promoting human rights, treaty bodies must complement the work of other international human rights mechanisms. The Human Rights Council's universal periodic review provided an excellent opportunity for interaction between different human rights mechanisms. Rather than duplication, she wished to see a complementary relationship that would reinforce the credibility of the universal periodic review and the authority of the treaty body system. Strengthening that system also required greater engagement with a broad network of actors, in particular between the treaty bodies and the human rights special procedures.

5. **Ms. Kurosaki** (Japan) said that promotion of human rights, democracy and the rule of law was an important aspect of Japan's diplomacy. Through its dialogue and cooperation approach, Japan had helped to include a human rights perspective in development projects in capacity-building for promotion of the rule of law, including training of judges, electoral assistance and media projects. It had also contributed $10 million to the United Nations Democracy Fund (UNDEF).

6. She wished to draw attention to the issue of discrimination against persons affected by leprosy and their families. The World Health Organization was leading the international effort to eradicate leprosy, and the disease had become curable with multi-drug therapy. Although the number of new patients was declining sharply, in many parts of the world there was still prejudice and discrimination against such persons and their families. Patients were often marginalized in society and torn away from their families. Until 1996, it had been the Government's policy to quarantine leprosy patients by forcibly committing them to sanatoriums, in the light of the infectious nature of the disease. Currently, however, it was working to eliminate prejudice and discrimination against leprosy patients and promote the rehabilitation of those who were forced to enter sanatoriums. The Sub-Commission on the Promotion and Protection of Human Rights had adopted a draft decision on the human rights of leprosy-affected persons which had

been recommended to the Human Rights Council for adoption.

7. Japan had signed the Convention on the Rights of Persons with Disabilities, and was making efforts to ratify it as soon as possible, taking into consideration the views of civil society.

8. **Mr. Liu** Zhenmin (China) said that, with Human Rights Council mechanisms about to begin operation, it was necessary to discuss expectations for the Council and the principles underlying its operation.

9. The Human Rights Council should correct the weakness of the former Commission on Human Rights. Although it had contributed in its own way to the cause of human rights, the Commission's practices of politicization, double standards and "naming and shaming" had damaged its reputation irreparably. Therefore, the Council should take care to avoid those old practices.

10. The Human Rights Council should make a commitment to dialogue and cooperation. Mutual respect and seeking common ground while maintaining diverse cultural traditions and learning from one another represented the best means for the joint promotion of human rights. The universal periodic review should become an effective cooperation mechanism based on operating principles of universal and equal treatment of all countries, applying objectivity, transparency, non-selectivity, non-confrontation, non-politicization and a constructive approach.

11. Both categories of human rights deserved equal attention. Civil and political rights had been given full emphasis, while economic, social and cultural rights and the right to development had been neglected. Against the backdrop of economic globalization, the realization of those rights and the implementation of the Millennium Development Goals were urgently needed, especially by least developed countries, for the full realization of all human rights.

12. The Office of the High Commissioner for Human Rights (OHCHR) played an important role in the promotion and protection of human rights, and should be supported and guided by the General Assembly, the Economic and Social Council and the Human Rights Council. His delegation expected the Office to observe strictly the principle of objectivity and neutrality and to heed the concerns of developing countries. It should pay increased attention to racism, economic, social and cultural rights and the right to development. His delegation also expected the Office to increase its own transparency and to give preferential treatment in recruitment to developing countries so as to correct the imbalance in the composition of its staff. For its part, his Government would continue to support OHCHR in its work and enhance their mutual cooperation.

13. **Mr. Abdelaziz** (Egypt) said that his country, a member of the Human Rights Council since 2007, hoped to contribute to a renewal of the international community's commitment to the promotion and protection of human rights, especially in the light of the selectivity, politicization and double standards which had long impaired the Commission on Human Rights. Unifying the standards for addressing human rights questions would provide a point of departure, in order to ensure integration between existing human rights mechanisms.

14. As the world's peoples strove towards greater democracy, political reform and reinforced respect for human rights, some actors increasingly attempted to impose their narrow viewpoints on how to apply those concepts. Rather than promote collaborative relations, complementarity and capacity-building, such imposition threatened the solidarity of international action and led to conflict. International efforts must be consolidated in order to tackle a number of issues. One such issue was the attempt by some actors to impose their own standards, rooted in their values, cultures and legal justice systems, as universal ones, all the while promoting their own political interests. Also, political and civil rights should no longer be promoted at the expense of economic, cultural and social rights. An objective approach based on equality and on complementarity between international human rights law and international humanitarian law must be adopted.

15. The Security Council should no longer be used as a tool to politicize human rights questions, and no more attempts should be made to supersede the mandates of the Third Committee and the Human Rights Council through excessively broad interpretations of the mandate of the High Commissioner for Human Rights. The appointment of human rights monitors in the offices of the United Nations development programmes, restricted to developing countries, ran counter to the principle of

equality in human rights monitoring in both developing and developed countries.

16. A basic premise of the 2005 World Summit Outcome that protecting human rights was the responsibility of Governments, was contradicted by allegations that the international community had a responsibility to protect peoples from their own Governments. Attempts to reinforce the so-called human security and security sector reforms aimed at interfering in internal affairs and at undermining the sovereignty and territorial integrity of States. International attention should focus on supporting Governments' ability to promote and protect human rights, though an approach based primarily on providing consultative, technical and financial support, at a Government's request. Equitable geographical distribution in the composition of staff, particularly in OHCHR, should be observed.

17. The international conviction that the right to development was fundamental and intrinsically linked to other rights should be reinforced. That required coordination between United Nations organs, agencies, funds and programmes, as well as the World Bank and other related international institutions. Such coordination was essential to narrowing the gap between North and South and to mitigating the negative aspects of globalization and immigration. No conditions that overburdened developing countries or imposed controversial concepts on them should be attached to development assistance programmes. All forms of extremism, discrimination, racism and religious defamation must be combated, and the international campaign against terrorism must include respect for human rights.

18. His Government was making efforts to promote and protect human rights, through enacting constitutional and legislative amendments and ensuring the continuous enhancement and respect of human rights on the ground, for all citizens. The greatest challenge facing the international community was to combat the feelings of injustice and oppression that resulted from the prevalence of political interests in the human rights discourse. Efforts should be redoubled to tackle chronic political and economic problems and to assist developing countries in realizing their peoples' legitimate aspirations to development and prosperity.

19. **Mr. Hossain** (Bangladesh) said that promotion and protection of human rights was the foundation of freedom, justice and peace in the world and fundamental to every undertaking of the United Nations.

20. A holistic approach should be taken to the question of human rights. To that end, Bangladesh was committed to ensuring all human rights — civil, political, economic, social and cultural, including the right to development — for all its citizens. Its Constitution embodied the principles of the Universal Declaration of Human Rights. As a current member of the Human Rights Council, Bangladesh remained engaged in constructive dialogue with the international community. It was strongly opposed, however, to the politicization of human rights issues. In the discharge of their important responsibilities, Special Rapporteurs and other mandate holders must maintain neutrality and objectivity. As a member of the Peacebuilding Commission, Bangladesh was committed to the principles of sustainable peace. It was also represented on the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child.

21. Bangladesh recognized that national human rights institutions were a key element of strong and effective national human rights protection systems, and thus was pleased to announce that its National Human Rights Commission would soon be established. Combating corruption and strengthening the rule of law went hand in hand with the protection of human rights. The renewal of the Anti-Corruption Commission, revision of the Police Act and progress made in the separation of the judiciary from the executive branch were among the measures taken in that regard. Bangladesh was a party to all major international human rights instruments and had enacted appropriate legislation to ensure the rights of women and children.

22. Bangladesh was an open society where freedom of speech and expression had been institutionalized. However, its endeavours to realize the goals of human rights were often threatened by dire poverty, which constituted a gross violation of human rights. The international community faced many and varying development challenges, and the ultimate responsibility for ensuring respect for human rights rested with national Governments. Those efforts, however, must be complemented by effective partnership with the international community.

23. **Monsignor Auza** (Observer for the Holy See) said that his delegation had noted with interest two substantive issues raised in the context of the activities of the Special Rapporteur on freedom of religion or belief: the particular situation of refugees, asylum-seekers and internally displaced persons and the issues relating to blasphemy laws, education and equality legislation.

24. His delegation shared the Special Rapporteur's concern at the vulnerable situation of refugees, asylum-seekers and internally displaced persons, as well as women and religious minorities. International refugee law clearly afforded refugees specific rights in their country of refuge in exercise of their freedom of religion or belief.

25. Blasphemy laws existing in some countries or regions had caused much suffering, either by the punishments inflicted or by the indirect consequences of destruction of places of worship and summary justice. In places where such laws were still in force, his delegation urged the public authorities to safeguard those accused of blasphemy and to grant full respect of their human rights. Religious minorities were entitled to enjoy the right to religious freedom, equal treatment before the law and the same civil rights as members of the majority religion.

26. His delegation was aware of the initiatives to foster debate on the delicate balance between freedom of speech and expression and respect for religion and religious symbols, but while honest search and dialogue continued, everyone must exercise responsibility and respect. To encourage peace and understanding between peoples, religions and their symbols must be respected and believers must not be subjected to provocations that vilified their religious convictions. Moreover, intolerance and violence as a response to offences could never be justified; it was incompatible with the authentic spirit of religion and respect for human dignity.

27. His delegation continued to be concerned that freedom of religion did not exist for many in different parts of the world. Forced conversions, executions, desecration of places of worship, expulsion of religious minorities from their communities and other forms of religious persecution mentioned in the Special Rapporteur's report were violations of the right to religious freedom as enshrined in the Universal Declaration of Human Rights and other international instruments.

28. Progress in the dialogue among world religions was a positive development. It had become an occasion to exhort one another to deeper faith, to peaceful coexistence and mutual enrichment, especially when dialogue was practised as both witnessing to one's faith and respecting the religious convictions of others. The Holy See hoped that interest in the issue on the part of civil society, and multilateral and national institutions would contribute to greater respect by all for religious freedom everywhere.

29. **Mr. Leghari** (Pakistan) said that, as the sixtieth anniversary of the Universal Declaration of Human Rights approached, it should be recalled that its central objectives were humanity, equality and equity. That aspiration could not be achieved, however, when almost one third of the world's people lived in abject poverty; their freedom to live in dignity could not be realized unless they were freed from its shackles.

30. Despite encouraging progress over the past six decades in promoting universal respect for human rights, significant challenges remained. Regrettably, within the United Nations, the promotion of human rights had often been used as an instrument of political pressure and interference in the domestic affairs of Member States. Many feared that it could even be used as a justification for military intervention.

31. In that context, his delegation wished to make some suggestions relating to both the substantive and structural aspects of human rights. Equal attention must be accorded to economic and social rights along with civil and political rights. The focus of promotion of human rights in developing countries should be on cooperation, technical assistance and human rights education to build capacity, rather than on political pressure and interference in their internal affairs.

32. The growing menace of xenophobia, Islamophobia and related intolerance must be addressed squarely, before those tendencies became uncontrollable. Cultural diversity must be respected, and each country must be allowed to attain the norms of the Declaration within its own socio-economic and cultural context. Double standards must also be avoided in addressing human rights situations. Country-specific consideration should focus mainly on situations of armed conflict or foreign occupation and the denial of the right of peoples to self-determination.

33. Poverty, deprivation and social exclusion led to extremism in many cases; therefore, poverty alleviation should become the central theme of the human rights machinery. The advocacy through United Nations mechanisms of the values of certain societies, merely because they were economically more advanced, was counterproductive. Many human rights advocates did not see the contradictions in their own positions, for example, opposing the death penalty yet defending the right to abortion or pressing for the rights of women and children while promoting social and moral norms that destroyed the family.

34. The establishment of the Human Rights Council in March 2006 had been a significant step in efforts to reform the United Nations human rights machinery. The Council had completed its first task, institution-building, and his delegation hoped it would build a mechanism that would extricate it from the bitter legacy of selectivity, politicization and double standards, and move it to a higher plane of dialogue, cooperation, education and awareness-raising.

35. **Ms. Jarbussynova** (Kazakhstan) said that her country had made significant achievements since joining the United Nations in 1992. The economy was stable and developing, and civil society institutions had been established and were actively participating in political and social life. Freedom of speech was guaranteed, censorship was prohibited, and independent mass media existed which were mostly privately owned. Members of several different ethnic groups and religions lived in harmony.

36. In 2007, Kazakhstan's Parliament had approved constitutional amendments that strengthened the legislative power; developed local governmental autonomy, transferred the sanction for arrest from the prosecutor's office to the court and significantly narrowed the scope of the death penalty. Also, for the first time in its history, the Government had held elections for the Majilis, the lower house of the Parliament, by a proportional system.

37. Her Government was a party to a number of human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of the Child and its two Optional Protocols. Kazakhstan was also about to ratify the Optional Protocols to the International Covenant on Civil and Political Rights and to the Convention against Torture, and had submitted periodic reports under the latter convention.

38. Her Government had recently issued a comprehensive report on national legislation and law enforcement practice with regard to compliance with international human rights standards. The recommendations of that report would be incorporated into a national plan of action on human rights, to be elaborated in accordance with the Vienna Declaration and Programme of Action.

39. Kazakhstan was bidding for the chairmanship of the Organization for Security and Cooperation in Europe (OSCE) in 2009. The chairmanship could serve as a catalyst for reform and further liberalization, democratization and modernization of the country.

40. **Ms. Banzon-Abalos** (Philippines) said that as her country began consultations to formulate a second plan on national human rights action, one of its goals was to plant the seeds for human rights-based governance. Peace processes between the Government and other non-State political groups, such as the Communist Party of the Philippines-National Democratic Front and the Moro Islamic Liberation Front, included mechanisms for the joint monitoring of human rights violations on both sides, exemplifying the conviction that the protection of human rights was a collective responsibility that transcended political and ideological differences.

41. Human rights was also a foundation of her Government's development programmes. President Arroyo, highlighting the close linkage between poverty and human rights, had ordered the allocation of more than 10 billion pesos, or $200 million, to poverty eradication. Halfway to the Millennium Development Goals target year of 2015, the Philippines had already made significant progress. Decreases in the proportion of people living in extreme poverty, infant mortality rates and cases of HIV infection were reported. Also, an increase in the number of girls enrolled in primary school had been reported.

42. Her Government had taken two significant steps in reaffirming its commitment to human rights. The Philippines had signed the Convention on the Rights of Persons with Disabilities, which would complement the Philippines' national Magna Carta for persons with

disabilities. It had also signed the second Optional Protocol to the International Covenant on Civil and Political Rights. Another law had effectively removed the death penalty from the country's statute books. Lastly, the Philippine Constitution mandated the protection of the life of the unborn.

43. In the region, the Philippines was working with other South-East Asian countries to create a human rights mechanism that was expected to be highlighted in the proposed Charter of the Association of Southeast Asian Nations (ASEAN).

44. Her country was one of the few that had invited Mr. Philip Alston, Special Rapporteur on extrajudicial, summary or arbitrary killings, to visit. His visit in February 2007 had enhanced national discussions on the protection of human rights, both in policy and in practice. The Government's improved strategy covered the executive, legislative and judicial branches and ensured a comprehensive approach to human rights issues. The strategy was based on five directives, which concerned strengthened investigation, increased prosecutions and convictions, strengthened witness protection, clear comprehension of the concept of command responsibility within the armed forces and increased cooperation with the national commission on human rights, an independent constitutional body. The armed forces had also established a human rights office to investigate and prosecute cases that might involve military personnel.

45. Her Government had adopted a comprehensive approach to the protection of migrant workers' rights and promotion of their development, which included a gender-sensitive perspective. It had tabled its biennial resolution on violence against women migrant workers, and reiterated the call to States and all stakeholders to adopt a gender-sensitive human rights-based approach in all areas of governance and work involving migrants.

46. The Philippines attached great importance to the work of the Human Rights Council, and, as a founding member, would be among the first to undergo the universal periodic review. It welcomed the opportunity and expressed the hope that the review would be constructive and cooperative. Finally, her Government called for a strengthening of the mandates of the Special Rapporteur on the human rights of migrants and the Special Rapporteur on trafficking in persons, especially women and children, as both issues related to the country's growing experience of globalization.

47. **Mr. Menon** (Singapore) said that at its inception, the Third Committee had been envisaged as a forum for countries to identify common objectives and to work together to achieve those goals. His delegation expressed its concern that the Committee had become a forum where some countries, under the justification of human rights, used the General Assembly to impose their views and systems of justice on other countries, and that any country that disagreed with those views was denigrated. It was disappointed that the European Union had decided to introduce a resolution on the death penalty, as it had done in 1999. The sponsors of the resolution were entitled to their views on the death penalty, and his Government understood and respected the position of countries that opposed the death penalty as a matter of principle. However, it appeared that those countries were incapable of extending the same courtesy to countries that had chosen to retain the death penalty.

48. His delegation reminded the Committee that capital punishment was neither prohibited under international law nor a violation of human rights standards. The Universal Declaration of Human Rights, cited by the proponents of the resolution, did not forbid the use of the death penalty. At the time of its adoption in 1948, the death penalty had been on the books of a number of European Union countries, and that had held true until as recently as 15 years earlier; that meant that those countries had signed the Universal Declaration with the clear understanding that the death penalty was not a human rights issue. Although the European Union countries had decided to abolish the death penalty, they were not entitled to demand that all others should follow suit, particularly when the recent debate on the death penalty in Poland had shown that the issue was still contested within some European societies. the fact that even the International Covenant on Civil and Political Rights allowed capital punishment to be imposed for the most serious crimes refuted any claim that there was an international consensus that capital punishment violated human rights.

49. His Government was opposed to that draft resolution. For many countries, including his own, the application of the death penalty was a criminal justice issue, not a human rights issue. It was an important component of Singapore's justice system, and it was imposed only for the most serious crimes and served as

a deterrent. Proper legal safeguards were in place to prevent any miscarriage of justice. His delegation believed that it was the right of every citizen in Singapore to live in a safe environment free from criminal threat to their lives and personal safety. Every country had the sovereign right to choose its own criminal justice system.

50. Some European Union countries had suggested a moratorium on executions as a compromise, but it was clear that the ultimate objective of a moratorium was abolition. In any event the aim of the draft resolution was to impose the views and values of the sponsors on those who held a different view. The decision to table that draft resolution was a clear indication that its main proponents were not interested in a compromise.

51. In the absence of an international consensus on the death penalty, countries on either side of the argument had no right to impose their opinions. Respect for human rights must include respect for diversity, but tolerance for diversity could not be restricted to positions where one was in agreement. Singapore respected the decision of other countries to abolish the death penalty or impose a moratorium on it and did not seek to impose its views on others. His delegation asked only that the same respect be extended to it.

52. **Mr. Riofrío** (Ecuador) said that the establishment of the Human Rights Council had presented the challenge of providing that body with the legitimacy and impartiality that had given it credibility and respectability. His Government welcomed the Human Rights Council's adoption by consensus of the document on institution-building (resolution 5/1), establishing the guidelines for the universal periodic review and expressed the hope that the General Assembly would adopt the document as soon as possible in order to facilitate its implementation.

53. His Government was honoured to be a member of the Human Rights Council and had participated actively in drafting and adopting the Declaration on the Rights of Indigenous Peoples and the Convention on the Rights of Persons with Disabilities. It had also played an active role in protecting the human rights of migrants and in combating human trafficking, and it endorsed the Special Rapporteur's belief that a human rights perspective should be incorporated into all international discussions on migration and development. A national plan to combat human trafficking and sexual, labour and other forms of exploitation had been implemented since 2006.

54. In 2002, his Government had established a commission on public coordination for human rights, an interministerial body that worked with civil society to draft periodic reports for international human rights mechanisms and to follow up recommendations made by such mechanisms. He reiterated his Government's invitation to all United Nations human rights mechanisms to evaluate his country's human rights situation on the ground, through official visits, as a number of mechanisms had done since 2002.

55. **Mr. Vigny** (Switzerland) said that it was necessary to find an appropriate balance between the Third Committee of the General Assembly and the Human Rights Council in order to make their mission of promoting and protecting human rights more credible and avoid overlap. Presenting reports of special procedures to the Third Committee and the Human Rights Council with an interval of only a few weeks clearly constituted a duplication of work. He stressed that the Human Rights Council had the right and autonomy to adopt certain decisions and recommendations, as well as to take initiatives, for which it did not require advance approval from the General Assembly.

56. Switzerland opposed the death penalty and advocated its universal abolition. The right to life was the most basic of all human rights, and the death penalty was difficult to reconcile with the spirit and goals of human rights. Although judges should be able to impose the severest penalties for the most serious crimes, capital punishment was inhuman, irreversible and all the more abhorrent because of the possibility of executing an innocent person.

57. The deterrent effect of the death penalty had never been proved, and those States that had abolished it had not witnessed an increase in violent crime. Progress towards the abolition of capital punishment had been encouraging, with 130 States having removed the death penalty from their statute books. Nine-tenths of all executions took place in six countries: China, the Islamic Republic of Iran, Iraq, Pakistan, the Sudan and the United States. He called on all countries that still practised capital punishment to abolish it as soon as possible, or at least to impose a moratorium immediately, thereby contributing significantly to the promotion of human rights.

58. **Mr. Nguyen Tat Thanh** (Viet Nam), stressing the universality, indivisibility and interdependence of human rights, said that the particular circumstances and needs of specific groups or localities must also be addressed. Viet Nam continued to do its utmost to improve the material and spiritual lives of all its citizens, with economic and social development policies increasingly focusing on the inhabitants of poor rural and mountainous areas. Efforts were being intensified to secure the enjoyment by such people of their human rights, including freedom of religion or belief. The Government facilitated the activities of the country's nine religions, which coexisted equally and peacefully and were freely practised. Protestantism, a more recent import, was rapidly gaining ground, and the Government was particularly keen to ensure that it enjoyed an equal footing with other religions. Representatives of the various religions actively participated in international and regional initiatives promoting interreligious dialogue and a culture of peace.

59. As part of its efforts to improve the situation of groups with special needs, including 5 million of its citizens living with disabilities, Viet Nam had recently signed the Convention on the Rights of Persons with Disabilities. Domestic procedures were currently under way to ensure its smooth implementation. Measures continued to be implemented to improve the socio-economic development, inclusion and participation of persons with disabilities.

60. Convinced that the enjoyment of human rights and fundamental freedoms by all depended on dialogue, not confrontation, Viet Nam was engaged in a human rights dialogue with a number of countries and had published a "White Book" on religions as a follow-up to its "White Book" on human rights.

61. **Ms. Juul** (Norway) said that Norway had presented its candidature to the Human Rights Council for 2009-2012 and was committed to working through engagement, dialogue and cooperation in order to make the Council a credible and effective tool.

62. Respect for the right of freedom of expression was fundamental to any democratic society, and her delegation wished to call on countries to lift undue restrictions to that right, including on the Internet. Balancing freedom of expression with respect for diversity was a challenge for all, to be met through constructive and peaceful dialogue. The freedoms of assembly and association were also cornerstones of a pluralistic democracy. Citizens should have the right to advocate the promotion and protection of human rights and be able to question or criticize without fear of reprisal. Human rights defenders deserved the greatest possible respect and support from the international community.

63. The situation in Myanmar necessitated continued international engagement. She condemned the gross and systematic violations of human rights in that country and urged the Government to engage in inclusive dialogue with the democratic opposition and representatives of ethnic groups and to cooperate fully with United Nations human rights and development mechanisms. All political prisoners, including Aung San Suu Kyi, should be released.

64. The human rights situation in the Sudan remained complex, despite the integration of human rights in the peace agreement between the north and south, the adoption of several laws in that respect by the new Government in Khartoum and a gradual opening of the press and preparations for national multiparty elections. The war in Darfur, however, had grave bearings on the human rights situation for the population in the west of the country. The African Union-United Nations Hybrid Operation in Darfur (UNAMID) should be rapidly deployed to Darfur to provide improved security for millions of civilians. The new Darfur peace talks under way in the Libyan Arab Jamahiriya Peace must succeed in order to bring justice, human rights and development to that part of the country.

65. With elections again postponed, peace talks in Nepal were at a critical juncture. The people of Nepal had, however, shown a formidable will to move away from conflict. OHCHR had played a vital catalytic role in the process and could do so again. It was to be hoped that political entrepreneurs would not stray from their commitment to create a new and democratic society and that an opportunity for positive change would not be missed.

66. Her delegation welcomed amendments in the penal code relating to basic human rights in North Korea, but reiterated its appeal to the Government to improve the grave human rights situation and the economic and social status of its citizens.

67. Every possible effort should be made by the international community and the Iraqi Government to

find political solutions to the deteriorating humanitarian situation in the country. Norway had increased its assistance to Iraq and Iraqi refugees to $17 million.

68. Of concern also was the increasing suppression of civil society, limitations on the freedom of expression and the increased use of the death penalty in the Islamic Republic of Iran, especially the barbaric methods used in the application of capital punishment.

69. Norway's position was that the death penalty constituted a cruel and inhuman punishment and a violation of the right to life. Her delegation welcomed the trend towards universal abolition, but deeply regretted the recent execution of 15 people in Afghanistan. It called for a moratorium on the use of the death penalty in cases where it was not already abolished by law.

70. The General Assembly, with its universal membership, should continue to deal with human rights on a substantial basis. Her delegation wished to pay tribute to the High Commissioner and her Office for their lead role in mainstreaming human rights throughout the United Nations. It also supported her being invited to brief the Security Council, when appropriate, and called on Member States to honour their commitment to double the regular budget resources of OHCHR by 2010.

71. **Mr. Linggi** (Malaysia) said that the guarantee of the fundamental rights and liberties of the individual were a cornerstone of national governance. The Government continued to promote racial harmony, people-centred development and participatory processes. In 50 years of independence, Malaysia's pluralistic communities had been nurtured into one harmonious society, thanks to mutual respect and tolerance and a readiness to balance individual rights with the interest of the larger community. Malaysia believed all human rights were universal, indivisible, interdependent and interrelated, and that the international community must treat human rights globally in a fair and equal manner, on the same footing and with the same emphasis. At the international level, the promotion and protection of human rights must be undertaken by all countries, taking full account of national and regional particularities and different historical, cultural and religious backgrounds.

72. His delegation was acutely concerned at the increase in incidences of Islamophobia and incitement to racial and religious hatred. An affront to an individual's religion was an affront to the religion itself and all its believers. Malaysia's experience as a multi-racial and multi-religious country showed that peaceful and harmonious coexistence was possible through the promotion of respect and tolerance, especially of religion. While his delegation believed in the right to freedom of opinion and expression, there was a need for a more responsible exercise of that right, particularly in a globalized world characterized by instantaneous information exchange. The infamous caricatures of the Prophet Muhammad that had appeared in a Western newspaper the previous year must never be repeated. The media should not shirk its responsibility to promote tolerance and understanding among societies, religions and civilizations.

73. At the international level, there was a need for a more constructive and consistent approach to human rights issues, and selectivity and politicization should be avoided.

74. All States had the inalienable right to choose their own political, economic, social and cultural systems without interference by any other State. There was no international consensus on whether the death penalty was a violation of human rights, nor should there be any attempt to impose such a viewpoint on others, or onto the work of the Committee. For Malaysia, the death penalty was a criminal justice issue. Capital punishment was imposed only for the most serious crimes.

75. It was imperative that the provision of technical assistance in the field of human rights should fully respect the principle of prior request and consent of the State concerned. The focus should be on dialogue, engagement and cooperation. The universal periodic review provided a good alternative to country-specific reports.

76. While some Member States were preoccupied with the human rights situations in certain countries, they appeared almost indifferent to the situation in the occupied Palestinian territories. His delegation wished to reiterate that the issue deserved immediate attention and action by all Member States, particularly so-called human rights defenders. He had cited Palestine not out of selectivity, but due to the gravity of the long-standing problem.

77. The right to development remained a cornerstone of human rights, and all efforts needed to be made to ensure the sanctity of that right, including through continued support of the work of the Working Group on the Right to Development of the Human Rights Council.

78. Lastly, Malaysia was committed to realizing the highest standards of human rights for all and was ready to work constructively with other Member States to that end.

79. **Ms. Halabi** (Syrian Arab Republic) said that while human rights were universal, each country's unique history and culture needed to be taken into account. Ensuring human rights was a principle enshrined in the Syrian Constitution, and her country had signed over 17 international human rights instruments. In particular, it had signed the Convention on the Rights of Persons with Disabilities as soon as it was opened for signature.

80. Despite the call by the Universal Declaration of Human Rights for human rights to be respected without distinction of any kind, human rights enforcement continued to be selective and politicized. The rapid changes seen in the preceding few decades were a source of hope for some, but a source of frustration for the portion of humankind that continued to be held hostage to violence resulting from regional and international conflicts. For the Israeli occupation, apparently, development meant having one's home destroyed, one's land levelled and one's trees uprooted. In the Golan, Israel imposed prohibitive taxes as high as 50 per cent on the produce of Syrian citizens, and committed acts such as the recent uprooting of one farmer's cherry seedlings which were in direct violation of the provision of article 1 of the International Covenant on Economic, Social and Cultural Rights that a people may not be deprived of its own means of subsistence. It was time for the international community to throw off its selectivity and double standards and address foreign occupation as a source of the most flagrant human rights violations.

81. **Ms. Molaroni** (San Marino) said that the fact that a disabled person had, for the first time in San Marino's history, been elected to the highest level of government showed that times were changing and that people with disabilities were well able to assume any profession. San Marino had worked for many years on equal rights for all and had been one of the first signatories of the Convention on the Rights of Persons with Disabilities. Accessibility for people with disabilities had been strengthened, including in old parts of town. Non-governmental organizations (NGOs) were also active in the field of equal rights and opportunities. One such NGO, Attiva-mente, had, inter alia, organized a "dinner in the dark" to raise awareness of issues facing blind people. The Republic was also proud of its yearly participation in the Special Olympics. She was pleased to report that public awareness of disability-related issues was increasing. A social conscience was what was needed for everyone to be equal.

82. **Mr. Kemp** (Australia) said that Australia took a practical approach to human rights, supporting efforts that brought real improvements to the lives of individuals. The credibility of the Human Rights Council would depend on its ability to act decisively and quickly on the most pressing situations. The universal periodic review could potentially become an effective tool for assessing the human rights records of Member States.

83. Cooperative multilateral initiatives, backed by political will, could do much to advance human rights. Australia was a supporter of the Asia-Pacific Regional Interfaith Dialogue which, inter alia, promoted the right to freedom of religion or belief.

84. Among the situations requiring concerted international attention, Australia remained gravely concerned about the situation in Burma.

85. **Mr. Myint** (Myanmar), speaking on a point of order, said that his country's official name was Myanmar.

86. **The Chairman** appealed to delegations to use the official country name.

87. **Mr. Kemp** (Australia), continuing his statement, said that his delegation was appalled by the regime's violent response to peaceful protests and the suppression of the pro-democracy movement. It urged it, immediately and unconditionally, to release all political prisoners and to treat detainees humanely. The people had clearly demonstrated their desire for genuine reform and national reconciliation. The Government must heed that call and extend full cooperation to the relevant special procedures of the United Nations.

88. The suppression of opposition voices continued also in Zimbabwe, where the regime persisted in demonstrating contempt for democratic principles. It paid no heed to international opinion or the needs of its own people, and its economic policies were devastating. The situation reflected a dangerous disregard for human welfare, with more than 10,000 per cent inflation, over 80 per cent of the population unemployed and living below the poverty line, and the lowest life expectancy of any country.

89. The humanitarian tragedy in Darfur was also a matter of deep concern. The Government of the Sudan had failed to uphold its responsibility to protect its citizens, as evidenced by large-scale attacks on civilian communities, rape and sexual violence and a prevailing climate of impunity. His delegation welcomed plans for the redeployment of an enhanced peacekeeping force and called on all parties to facilitate its deployment. It also urged all parties to the conflict to engage in the peace process.

90. While welcoming recent progress on the nuclear issue and in inter-Korean relations, his delegation remained gravely concerned about the human rights situation in the Democratic People's Republic of Korea, most particularly the suppression of freedom of expression, religion and opinion, as well as torture and imposition of the death penalty for political reasons.

91. In the Islamic Republic of Iran, the intimidation and persecution of political reformists, students, NGOs, human rights defenders and labour organizers was a matter of increasing concern. His delegation deplored recent stoning sentences and the execution of persons who had been under 18 years of age at the time of their offence. It called on the Government to halt systematic discrimination against women and to cease discrimination against ethnic and religious minorities.

92. In Fiji, intimidation of opponents and critics of the military regime continued. The interim administration should take prompt steps to restore parliamentary democracy by holding credible elections.

93. His delegation was also increasingly concerned at human rights violations in Sri Lanka, including escalating violence and extrajudicial killings, and called for peace negotiations. It also reiterated its support for the establishment of an independent human rights monitoring mechanism.

94. Where States failed to meet their responsibility to protect their own populations, the international community must act.

95. **Mr. Ehouzou** (Benin), speaking on behalf of the African Group, said that African countries had, during the past two decades, moved into an era of democracy and respect for human rights; the trend of democratization was irreversible. However, Africa was not on track to attain any of the Millennium Development Goals. Even the best governed States on the continent had been unable to reduce extreme poverty. He stressed that the full realization of human rights was contingent on economic and social rights; the process of realizing social rights could not be sustained if economic development lagged behind.

96. The United Nations human rights mechanisms, including the Human Rights Council, should engage in a constructive dialogue with all countries, based on the principles of impartiality, objectivity and non-selectivity. The African Group was interested in seeing the Human Rights Council fulfil its mandate to undertake a universal review of human rights throughout the world. To that end, it should depart from unnecessary confrontation and avoid double standards on country-specific situations. Member States should forego using parallel procedures that could undermine the Council's work and, in that respect, the African Group welcomed the recent package regarding special procedures. In addition, the advisory services and technical assistance of OHCHR, as well as of other relevant United Nations programmes and bodies, should be strengthened to promote human rights.

97. The year 2008 would mark the sixtieth anniversary of the Universal Declaration of Human Rights, and the African Group supported Benin's initiative to introduce an item on the agenda of the General Assembly to celebrate that occasion, with a view to adopting a resolution.

98. **Mr. Sareer** (Maldives) said that the recommendations of the Special Rapporteur on the independence of judges and lawyers pursuant to a recent visit to the Maldives were welcome at a time when his country was strengthening its legal and judicial sector as part of a wide-ranging reform agenda. His Government was also undertaking initiatives for the capacity-building and training of judges and lawyers and had recently appointed the first woman

judge in the Maldives. Committed to the international legal regime, it was working with the United Nations human rights special procedures and the national human rights adviser appointed by OHCHR. The Maldives had recently ratified the United Nations Convention on the Rights of Persons with Disabilities and was in the process of finalizing a national policy on disability.

99. Believing that global warming posed a threat to security and therefore had clear human rights implications, his country appreciated the fact that the Security Council had for the first time held a debate on climate change in April 2007. The Maldives would be hosting a small island developing States conference on the human dimension of global climate change in November 2007.

100. **Mr. Vassylenko** (Ukraine) said that human rights should be a third pillar of the work of the United Nations. His country was proud to be involved in the process of adopting the new institutional machinery of the Human Rights Council and would spare no effort in furthering that body's activities. Its aspirations for membership of the Council in 2008 were based on its centuries-long national tradition of tolerance within a multi-ethnic and multi-religious society.

101. Having already abolished capital punishment, Ukraine had recently become a party to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

102. As far as the environmental dimension of human rights was concerned, Ukraine stressed that environmental crises threatened peace and security, thereby undermining human rights. It was vital to establish environmental standards to protect the earth for the benefit of all human beings.

103. The recently created Advisory Committee on Genocide Prevention was worthy of encouragement and support, and Ukraine commended the Secretary-General's decision to upgrade the post of Special Adviser on the Prevention of Genocide.

104. Finally, Ukraine's commitment to promoting and protecting human rights had been incorporated into its domestic and foreign agenda.

105. **Mr. Suárez** (Colombia), referring to the interim report of the Special Rapporteur on the right to food (A/62/289), said that his delegation did not support the Special Rapporteur's recommendation that States should establish a five-year moratorium on all initiatives to develop biofuels. His country would therefore continue to implement its national biofuels policy, which was consistent with its food security policies and designed to overcome poverty and inequity in rural areas. The United Nations special procedures system should include the States concerned in the formulation of recommendations. Only then could conclusions be reached in full knowledge of the facts.

106. Turning to the report of the Special Representative of the Secretary-General on the situation of human rights defenders (A/62/225), he said that there had been a considerable decline in the number of attacks on human rights defenders in Colombia. That decline could be attributed to his Government's democratic security policy, the strengthening of institutions, the weakening of the illegal armed movements and the massive demobilization of self-defence groups. Progress had also been made in reducing impunity. The Attorney-General's Office had set up a special unit, with the help of the International Labour Organization (ILO), to investigate the murder of trade union officials.

107. The democratic security policy had also resulted in a substantial decrease in the annual number of new cases of internal displacement. The programme of comprehensive care to the internally displaced population continued to be strengthened, in accordance with the recommendations of the Representative of the Secretary-General. The cooperation of the international community was essential in order for progress in that area to continue.

108. His delegation appreciated the European Community's recognition of President Uribe's efforts to restore State legitimacy and appealed to the international community to support Colombia's attempts to defend democracy against organized crime carried out by terrorist groups and criminal gangs. Both were funded by the illicit drug trade, which was the root cause of the attacks made against the rights and freedoms of the Colombian people.

The meeting rose at 12.55 p.m.